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FILED
DISTRICT COURT OF GUAM

JAN 13 2006

MARY L.M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA,	(Criminal Case No. 04-00008
)	
Plaintiff,	(RESPONSE TO UNITED
)	STATES' MOTION TO
vs.	(DISQUALIFY DEFENSE
)	COUNSEL
KUANG-HUA CHEN,	(
)	
Defendant.	(

“Conflicts of interest based on successive representation may arise if the current and former cases are substantially related, if the attorney reveals privilege communications of the former client, or the attorney otherwise divides his loyalties.”
(*Belmontes v. Brown*, 414 F.3d 1094, 1118 (9th Cir. 2005), *reh’g en banc denied*, 427 F.3d 663 (2005).)

First, the current and former cases are wholly unrelated.

ORIGINAL

(RESPONSE TO UNITED STATES' MOTION TO DISQUALIFY DEFENSE
COUNSEL)
CR 04-00008

Secondly, the undersigned may ask the witness a matter of public record: Were you ever convicted of a crime? (Fed. R. Evid. 609(a).) He may ask the witness for information disclosed by the government: Did the government pay you for your services?¹ There will not, however, be any occasion for the revelation of any privileged communication.

And finally, how would the undersigned have any occasion to otherwise divide his loyalty?

No conflict of interest exists.

Dated, Hagåtña, Guam,

January 13, 2006.

Respectfully submitted,



HOWARD TRAPP
For HOWARD TRAPP INCORPORATED
Attorney for defendant

(DOCUMENT\RspnsetoMtn.KChen)

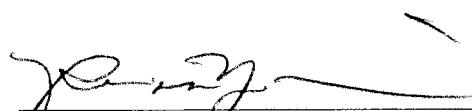
¹ With respect to such commonplaces, will not the prosecutor inquire herself? On direct examination? Prosecutors always do.

DECLARATION OF SERVICE

I, Reina Y. Urbien, declare that I am an administrative assistant employed in the office of Howard Trapp Incorporated, Howard Trapp, Esq., the attorney for defendant herein, and that on January 13, 2006, I served the document to which this declaration is annexed on Marivic P. David, Esq., Assistant United States Attorney, the attorney for plaintiff herein, by leaving a copy at her office at Office of the United States Attorney for Guam and the Northern Mariana Islands, Suite 500, Sirena Plaza, 108 Hernan Cortez Avenue, Hagåtña, Guam, her last known address, with a person in charge thereof.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 13, 2006, at Hagåtña, Guam.



REINA Y. URBIEN